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OFFICE OF PETITIONS

In re Application of	:	
Goldberg et al.	:	
Application No. 09/936,608	:	DECISION ON PETITION
Filed: November 14, 2001	:	
Attorney Docket No. 1223.0050000	:	

This is a decision on the petition filed on February 14, 2005, pursuant to 37 C.F.R. §1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

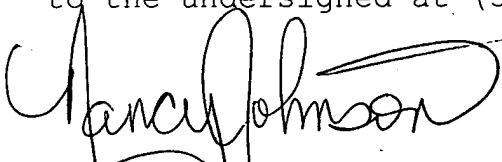
The above-identified application became abandoned for failure to file a proper response to the Nonresponsive Letter mailed August 19, 2004. Applicants were advised that the amendment filed August 2, 2004, was non-compliant with 37 CFR 1.121. The Notice set a period of one (1) month from the mailing date of the notice to submit a proper amendment, with extensions of time obtainable under §1.136(a). On August 24, 2004, the prior attorneys of record filed a general petition for extension of time; however, no response accompanied this petition. (A Notice revoking the firm's power of attorney was mailed on September 14, 2004). No reply having been timely filed and no extension of time obtained, the above-identified application became abandoned effective September 20, 2004. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, petitioner paid the petition fee and met all other requirements for a grantable petition under 37 CFR 1.137(b).

Given the change in attorney of record, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file is being forwarded to Technology Center 3751 for consideration of the reply, submitted on petition filed February 14, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions